SPEECH OF

GEN.L THO.S F. BURKE

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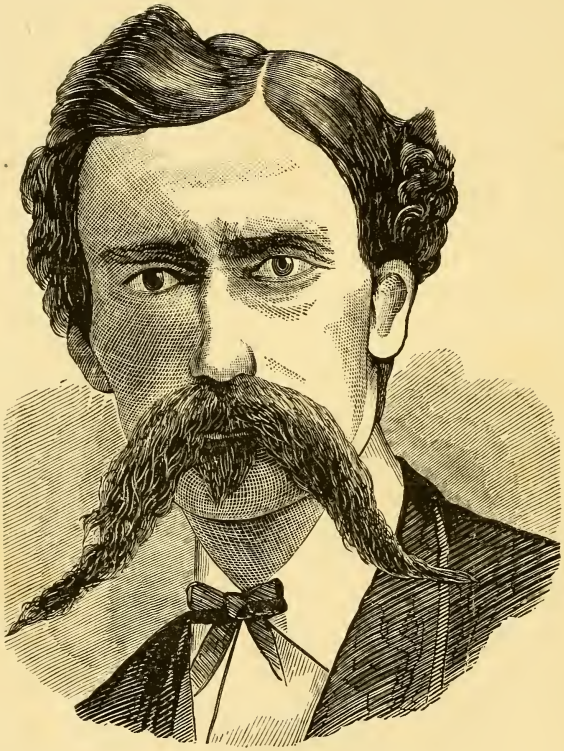

GENERAL THOMAS F. BURKE.

THE

CELEBRATED SPEECH

OF

GENERAL THOMAS F. BURKE,

Delivered May 1, 1867,

IN THE COURT-HOUSE, DUBLIN,

ON BEING ASKED BY LORD CHIEF-JUSTICE WHITESIDE
WHY SENTENCE OF DEATH SHOULD NOT BE
PRONOUNCED AGAINST HIM.

TO WHICH IS ADDED

COMMENTS OF THE LONDON SPECTATOR ON THE FENIAN AMNESTY

GOD SAVE IRELAND.

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DA953
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TO

JEREMIAH O'DONOVAN ROSSA,

AND HIS COMPATRIOTS

IN THE

Great Work of Ireland's Emancipation,

IN THE HOPE THAT ALMIGHTY GOD WILL BLESS THEM IN THEIR ADVERSITY, SUCCOR THEM IN THEIR NEED, STRENGTHEN THEM IN THEIR ARMS, CROWN THEM IN THEIR EFFORTS, AND GUIDE THEM IN THEIR LIBERTY,

THIS BOOK IS

Respectfully Dedicated.

3284

PREFACE.

THE patriotic course and manly character of General THOMAS F. BURKE, in his efforts to free Ireland from the chains of slavery, and the recent *conditional* release of the Fenian state prisoners by the British Government, have induced the publication of this little volume.

Love of country and patriotic emotions are the native instincts of the Irishman's heart. He draws the inspiration from his mother's breast; he cherishes it in his youth, and practises it in his manhood. It was this feeling of devotion to his native country that stimulated the noble Burke in the cause of emancipation. For it, he was sentenced to die. This sentence of death was afterward commuted to imprisonment for life. And now, to add fuel to the flames, all the Fenian state prisoners, including Burke, having been released from the most unjust incarceration, are obliged to suffer banishment from the soil of their birth.

Through all the struggles and trials and vicissitudes of life to which Burke has been subjected, he has acted a fearless and manly

part. In council and in camp — in peace and in war — in court and in prison — the freedom of his native land was uppermost in his thoughts. How faithfully did he obey the mandate of his aged and heroic mother when she bade him, "Go, MY BOY; RETURN EITHER WITH YOUR SHIELD OR UPON IT." It was this sentiment that nerved him to stand before the court, who sat in judgment upon him, and exclaim:

"In thoughts that breathe and words that burn,"

"My lords! 'It is sweet to die for one's country.'"

Posterity will weave garlands around the brows of Curran and O'Connell, of Emmet and Burke, and their compeers in the great work of Ireland's emancipation; and their hallowed names will be consecrated, and live in history and song as co-laborers in the cause of republican institutions and human rights long after the minions of that tyranny, which has subjected the people of Ireland to the most abject and degrading thraldom, shall be forgotten.

If the publication of the speech of THOMAS F. BURKE, and the comments on the "Fenian Amnesty" will do aught to promote the cause of Ireland's emancipation — cause one tear to bedew the shrubbery planted in admiration over the graves of her patriot dead, or inspire the hearts of her heroic living with deeds of noble daring — then we have not issued this volume in vain.

SPEECH OF

GENERAL THOMAS F. BURKE,

ON BEING ASKED BY THE CHIEF JUSTICE WHY JUDGMENT OF DEATH SHOULD NOT BE PRONOUNCED AGAINST HIM.

THE speech of General Thomas F. Burke is one which will become memorable in our history; and having had an opportunity to give a full, correct, and authentic publication of it, we are certain our readers will most heartily approve of its republication. We therefore give, from "The Irishman," a version of it without an error; and we deem it worthy of this careful preparation as it will remain among

the archives of our nationality, a state paper testifying to other men and other times the character, the courage, and the dignity of the man who spoke it in the dock at Newgate. A man of feeling the most intense, he alluded gracefully, and without giving way for a moment, to the ties that bound him to home and life. It is at such an hour as that which he met and endured that the revulsion of the emotions is stronger than pride and resistance. The heart will assert its sway if there be not a higher principle to still its tumultuous throbbings. That higher principle must have been the stay of Thomas F. Burke when he uttered that wonderful piece of oratory which would, if nothing else could do it, rescue his memory from reproach or oblivion. It is a voice from the grave, speaking to friends and foes. He proclaimed his principles, his hopes, and aspirations like a man who depended upon the proclamation for justice to his life, and who left it as a legacy to the future that no one could asperse his fame when he lay in his silent grave. To a man like this, fame was dearer than life itself, and he gave expression to that sentiment clearly enough. "Justice to my memory" was the prayer of Emmet. In the same dock, in the same court, almost in the same spot, Thomas F. Burke lifted his voice in the hope and faith that, no matter who differed with him or who believed with him, he left his reputation unsullied and his name unstained. He knew, for he could not be ignorant of it, that above the grave of the dead the memory of the sleeper below is often, too often, carelessly treated. "Lightly they talk of the spirit that 's gone." And it was to pro-

vide against the sharpest and most envenomed wrong an honorable and honest man can contemplate that as Emmet spoke so Burke spoke. It is surely mournful, most mournful, that men of such souls as these have had to meet, through all our history, the traitor's doom and the felon's fate in the history of our pacification. Two hundred years ago, when Mountjoy delivered up the country to Elizabeth, "carcasses and ashes," the Government of the day felicitated itself that it was done with the Irish rebels. When Sheares lay headless on the scaffold at Green Street, when Lord Edward Fitzgerald lay dead within the jail, when Thomas Addis Emmet was in exile, the same felicitations were again renewed. They were repeated when that "boy-traitor," his brother, hung swaying in the wind from the fatal tree in Thomas Street; and so runs the history down to our own times. There never was a more glowing expression of the feelings that actuated men like these than that with which Thomas F. Burke met his doom. In it all there is not a tone of the braggart's voice. Were it a Pole who spoke it upon some Russian scaffold, it would make the cause in which it was uttered ring through Europe; were it a Hungarian or a Venetian, under Austrian rule, who gave up his life with such a proclamation of the feelings that actuated him, it would make a plea to which Europe would listen. It was not a representative of either of those nationalities who spoke the speech; and it can only remain upon record as the most eloquent and dignified speech ever made upon such an occasion since the days of Robert Emmet. No one

who heard it can ever forget it; no one who stood or sat in that crowded court, when in the intense excitement of the moment every breath was hushed, and amidst a silence as deep as that of the grave, when every glance was turned upon him, he moved to the bar to speak, and lifting his head, whilst his cheek flushed and his eye gleamed quick fires, began: —

"My Lords, it is not my intention to occupy much of your time in answer to the question why the sentence of the court should not be passed upon me; but I may, with your permission, review a little of the evidence that has been brought against me. The first evidence is that of Sub-Inspector Kelly, who had the conversation with me at Clonmal, in Tipperary. He states that he asked me then what about my friend, Mr. Stephens; that I made answer and said he was the most idolized man that ever was, or ever would be, in America. Here, standing on the brink of my grave, in the presence of the Almighty and ever-living God, I brand that as being the foulest perjury that ever a man gave utterance to. No such conversation ever occurred; the name of Stephens was not mentioned. I shall pass from that, and then touch on the evidence of Britt. He says I assisted in distributing bread to the parties at the fort, and that I stood with him on the wagon or cart. That also is false. I was not in the fort at the time. I was not there when the bread was being distributed. I came in afterward. All these assertions have been made and submitted to the men in whose

hands my life has been placed, as evidence made on oath by these men, solely and purely for the purpose of giving my body to an untimely grave. There are many points, my lord, that have been sworn to here to prove my complicity, and a great many acts have been alleged that I took part in. It is not my intention to give utterance to one word against the sentence that has been pronounced against me. I feel fully conscious of my honor as a man, which has never been impugned, fully conscious that I can go into my grave with a name and character unsullied. I can say that these parties, either actuated by a desire for their own aggrandizement or to save their paltry and miserable lives, have pandered to the appetites, if I may so speak, of justice, and my life is to pay the forfeit. Fully convinced and satisfied of the righteousness of my every act in connection with this alleged revolutionary movement in Ireland, I have nothing to recall, nothing that I would undo, nothing to bring up the blush of shame to mantle on my brow. My conduct and career, both here and in America, of which I have been a citizen, and, if you like, a soldier, is before you; and I feel in this very hour of trial the consciousness of having lived an honest man, and I will die proudly, believing that, if I have given material aid to give freedom and liberty to the land of my birth, I have done only that which every Irishman whose soul throbs with a feeling of liberty should do. I feel I should not mention the name of Massey. I feel I should not pollute my lips with the name of that traitor, whose illegitimacy has been proved

here, the man whose name is not known, and who, I deny point-blank, ever wore the star of colonel in the Confederate army. I shall let him rest. I shall pass him, wishing him, in the words of the poet, —

> 'May the grass wither from his feet! the woods
> Deny him shelter! earth a home! the dust
> A grave! the sun his light! and heaven her God!'

Let Massey remember from this day forth he carries with him, as my able and learned counsel, Mr. Dowse, has stated, a serpent that will gnaw his conscience; carrying about with him in his breast a living hell from which he can never be separated. I, my lords, have no desire for the name of a martyr. I ask not the death of a martyr. But if it is the will of that Almighty and Omnipotent God, that my devotion to the land of my birth shall be tested on the scaffold, I am willing there to die in defence of the rights of men to a free government, and of the rights of an oppressed people to throw off the yoke of thraldom. I am an Irishman by birth, an American by adoption; by nature a lover of freedom, and an enemy to that power that holds my native land in the bonds of tyranny. It has so often been admitted that the oppressed have a right to throw off the yoke of the oppressor, even by English statesmen, that I deem it unnecessary to revert to that fact in a British court of justice. Ireland's children are not, never can, and never will be, willing and submissive slaves. And so long as the

English flag covers one inch of Irish soil, just so long will they, believing it to be a divine right, 'conspire, imagine, and devise' means to hurl it from power, and erect in its stead the godlike structure of self-government.

I know that I am here without a relative — without a friend, in fact — three thousand miles away from my family. But I know that I am not forgotten there. The great and generous Irish heart of America to-day feels for me — to-day sympathizes with and does not forget the man who is willing to tread the scaffold — ay, defiantly, proudly conscious of having to suffer in defence of liberty. I shall now, my lords, as no doubt you will suggest the propriety of turning attention to the world beyond the grave; I shall now look only to that home where sorrows are at an end, where joy is eternal, and I shall hope and pray that freedom may yet dawn on this poor down-trodden country. That is my hope, that is my prayer, and the last words I shall utter will be a prayer to God for forgiveness and a prayer for poor old Ireland. Now, my lords, in relation to the informer, Corydan, I will make a few remarks. I never attended a meeting at Colonel Kelly's; and the other statements that have been made on oath by him to you, gentlemen of the jury, I solemnly now declare on my oath as a man — ay, as a dying man — have been totally unfounded, and have all been false from beginning to end. In relation to the small paper introduced to you, and brought against me as evidence of my having been using that oath, I desire to say that that paper was not taken from my

person. I know no person whose name is on that paper. That paper has been put in for a purpose, but I swear positively it is not in my handwriting; I can also swear I never saw it; yet it is held in evidence against me. Is this justice? or is it right? Is this manly? I am willing, if I have transgressed the laws, to suffer the punishment of my offence. But I object to this system of trumping up a case to take away the life of a human being. I ask for no mercy. With my present emaciated frame, and my constitution somewhat shattered, it is better that my life should be brought to an end than that I should drag out a miserable existence in the prison-pens of Portland. Thus it is, my lords, I accept of the verdict: of course my acceptance of it is unnecessary; but I am satisfied with it, and now I shall close. There are many feelings that actuate me at this moment. In fact, these few disconnected remarks can give no idea of what I desire to say to the court. I have a family I love as much as any man in this court can love his. I can remember the blessings of my aged mother as I left her for the last time. She then spoke as the Spartan mother of old, 'Go, my boy; return either with your shield or upon it.' This consoles me: this gives me heart to submit to my doom; and I hope that God will forgive me past sins. I hope, too, that inasmuch as for seven hundred years He has preserved Ireland, notwithstanding the tyranny to which she has been subject, that as a separate and distinct nationality, He will also assist her to retrieve her fallen fortunes, and to rise in her beauty, the sister of Columbia, the peer of any nation in the world."

THE FENIAN AMNESTY.*

THE condition which the Government has affixed to its liberation of the Fenian prisoners seems to us to be a miserable mistake, unwise, ungenerous, and unjust. To claim credit for it "as an act of pure clemency," which not even the most malignant enemy of the Government dare venture to misrepresent, is hardly worthy of Mr. Gladstone's keen intelligence and serious character. If it be proper to append Queen Victoria's name to an act of amnesty granted to Irish rebels, it should not be coupled with conditions which even Louis Napoleon would have been ashamed to subjoin to an amnesty offered to the most dangerous and unscrupulous of the French Reds. After all, the condition affixed to the liberation of these unhappy men is neither more nor less than banishment for life. They are required to leave the United Kingdom, and to undertake not to return to it. This sweeping and perpetual sentence is made applicable to all of them, though there is a wide

*From the "London Spectator."

variety in their degree of guilt, and also in the terms of imprisonment to which they are liable.* Some of them, like Burke and Mackay, have had sentence of death for levying war against the Queen commuted to imprisonment for life; some, like Luby and Mulcahy, now five years in jail, have gone through a great part of the period of punishment imposed upon them for writing newspaper articles which the Irish courts considered treasonable in the good old time when Sir Robert Peel, being Chief Secretary, declared that he and Lord Palmerston would stand or fall with the Irish Church, and when Mr. Cardwell solemnly warned the Irish people that Parliament would never listen to their demands for tenant-right. If Parliament has been wise in the work it has done during the last two sessions, there was surely some little excuse for strong writing in those days. To pass a fresh sentence of perpetual exile on such men, and on others whose sentences were only for spaces of seven and five years, and who would, therefore, be absolutely entitled to their liberty after a comparatively short period of further restraint — on men who have, in many cases, suffered so considerable a portion of their sentence as has often sufficed to let some hardened thief or desperate garroter loose on our streets with a ticket-of-leave — on men the degree of whose guilt it would be

* The Dublin newspapers, speaking of the terms of the amnesty to the Fenian convicts, say that the conditions of the pardons are that the released prisoners shall not return to Ireland until after the expiration of their respective sentences. Those condemned to five years' penal servitude will be free to return in about a year, and those sentenced to twenty years will be exiled for fifteen years. It was at first supposed that the banishment was to be perpetual.

impossible to distinguish from that of their comrades to whom a full and unconditional pardon was given two years ago—to do this is, we do not hesitate to say, simply, utterly, and flagrantly unjust.

But apart from this general consideration of the case, these unfortunate men are, we venture to assert, entitled to claim their liberation from Mr. Gladstone, if not as an absolute right, still in virtue of an undertaking on his part, in some degree conditioned by circumstances which very decidedly deprive it of the quality of "an act of pure clemency." When the Peace Preservation Act was before the House of Commons last March, the late Mr. Moore, M.P. for Mayo, had given notice of his intention to bring the case of the Irish political prisoners before Parliament. Such a motion, at the moment, might have proved embarrassing. The Government was, at all events, exceedingly anxious to become possessed, with as little delay as possible, of the necessary but formidable weapon of law then in rapid process of fabrication. Some communications of the kind usual in such cases no doubt took place, for Mr. Gladstone, on the 17th of March, submitted to the process of an interpellation on the part of Mr. Moore, the course of which had evidently been arranged beforehand. A certain vague and gloomy amphibology, nevertheless, pervaded Mr. Gladstone's answer, which dissatisfied Mr. Moore, a man of vivid and precise phrase; and four days afterward, when the question came on again, it transpired that Mr. Gladstone had agreed beforehand to give an answer in terms somewhat more distinct. These are the precise terms which Mr.

Moore embodied in his notice of a second question which he addressed to the Prime Minister on the 31st of March: "That the consideration of this question [the liberation of the prisoners] must necessarily depend upon the restoration of law and order in Ireland; and as soon as the disorders now prevailing in that country are repressed, Mr. Gladstone trusts that he will be able to give a very different answer to Mr. Moore, and to announce the liberation of the political prisoners."

Mr. Gladstone said in reply that this was the very meaning he had intended to convey on the previous evening. But what, may we ask, did Mr. Gladstone mean by the word "liberation"? Did he mean transportation for life? We know no case in which a political amnesty has been so interpreted, except that of Poerio and his comrades, who, having been deported to the United States by the King of Naples, mutinied on the voyage, and carried their transport into Cork. But it is evident that Mr. Gladstone did not mean to transport the Irish political prisoners to America at the time that he gave the answer to which Mr. Moore objected as deficient in clearness and savor; because, in that answer, he spoke of the cruelty it would be to hold out misleading hopes prematurely to the friends of the prisoners. If it had been his intention then to release those prisoners on Christmas eve, with the one condition that they should never see their homes, families, and friends again, then, we must say, so much and such ostentatious consideration for the feelings of their friends and families might well have been

spared. Nor need the whole population of Ireland have been bound over to keep the peace on public conditions expressed in Parliament, if such was the sort of political amnesty that her Majesty's ministers ultimately contemplated. It was not, perhaps, wise statesmanship so to identify the case of the political prisoners with the conduct of the general population, that their liberation should be made to depend on the amount of crime perpetrated during the following six months or so. But at all events the Peace Preservation Act appears to have answered its purpose. Law and order have been, so to speak, restored in Ireland. The disorders which prevailed in that country last March have been repressed. Mr. Moore, however, no longer lives to claim the very different answer which Mr. Gladstone held out the hope of his being able to give. Under such circumstances, to interpret "liberation" as meaning "banishment" is, at least, ungenerous. Of all the causes which have contributed to make the relations between the two countries so bitter and bloody, hardly any has been so potent as this holding the word of promise to the ear at one time, and quibbling it away at another, with professions that have, to the mind of a people at once simple and suspicious, all the effect of a somewhat solemn and exuberant insincerity.

But the unwisdom of sending these men to the United States at this moment — for the United States is, of course, the one country outside the United Kingdom open to them in the present state of the world — has in it something so inconsiderate as to be almost

appalling. What must these men do of mere necessity when they arrive there? It would be too much to expect that a feeling of loyal gratitude should grow in their bosoms during the Atlantic voyage in consequence of the degree of "liberation" in which they have been indulged. These convicts, who were picking oakum or breaking stones a week ago, will arrive at New York, and find themselves the idols of a popular ovation and in recognized command of a great political influence. The Irish vote will be at their bidding, at a time when the relations of America with England are again assuming a very anxious character. The city of New York will doubtless receive them with public honors. They may be admitted to the floor of the Senate and entertained at the White House. The fact remains that at a time when the Fenian organization in the United States had fallen into a state of almost complete collapse from lack of leadership, we are sending its most daring and able spirits to the very base of the operations of the conspiracy. Ere many weeks, we may reasonably expect to hear that Luby and Mulcahy are "stumping" the Union in aid of the Russo-Prusso-American alliance, while Burke and Mackay are directing operations on the Canadian frontier to illustrate President Grant's peculiar views of that "irresponsible Dominion." It certainly is not wise statesmanship to send these men to the one part of the world where they may, and almost must, make much mischief; where there is every temptation to them to resume their old courses, and where those courses, at present, are the high road to popularity, influence, and means.

If it were proper to couple conditions with an act of pure clemency, there is one which might, with advantage, be substituted for that which Mr. Gladstone has imposed. The political prisoners might have been bound to return to and to remain in Ireland. There they would find that the great injustices whose existence made political conspiracy possible ten years ago have been summarily abolished. They would find a popular executive armed with powers ample and effectual to enable them to answer for the peace of the country. They would, in their own despite, serve as living monuments of the clemency of a wise and fearless Government. The Irish administration would hardly shrink from such an addition to their charge — for this is not a time to make things easy to the Irish executive at the expense of the empire. Is it too late to hope that before this ungenerous and impolitic condition is enforced, the sovereign herself may object to have the quality of her mercy strained after such a fashion? If such an act were possible, that is to say constitutional, it would make the royal clemency a word of pure and serious meaning from shore to shore of Ireland.

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